MAR 1 3 2002 E

Practitioner's Docket No. S-092701

PATENT

#### COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-1-P)

As a below named inventor, I hereby declare that:

#### TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

| 🛛 original.   |
|---|
| design.   |
| supplemental.   |
| NOTE: If the declaration is for an International Application being filed as a divisional, continuation of continuation-in-part application, do <u>not</u> check next item; check appropriate one of last three items.   |
| ☐ national stage of PCT.  |
| NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL CONTINUATION OR C-I-P.  |
| NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer or the inventors named in the prior application.   |
| ☐ divisional.   |
| continuation.   |
| NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements—nonprovisional application). |
| ☐ continuation-in-part (C-I-P).   |
|   |

#### **INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

#### TITLE OF INVENTION

| CELLULAR | DIAGNOSTIC | ARRAYS,  | METHODS | OF | USING | AND | PRUCESSES |
|----------|------------|----------|---------|----|-------|-----|-----------|
|          |            | PRODUCIN |         |    |       | _   |           |
|          |            |          |         |    |       |     |           |



#### SPECIFICATION IDENTIFICATION

| (complete (a), (b), or (c))  |
|--|
| (a) is attached hereto.  |
| NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  |
| "(1) name of inventor(s), and reference to an attached specification which is both attached<br>to the oath or declaration at the time of execution and submitted with the oath or declaration<br>on filing;  |
| "(2) name of inventor(s), and attorney docket number which was on the specification as filed; or   |
| "(3) name of inventor(s), and title which was on the specification as filed."  |
| Notice of July 13, 1995 (1177 O.G. 60).  |
| (b) Was filed on September 27, 2001, as A Serial No. 09/965,644  |
| and was amended on (if applicable).  |
| NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.  |
| NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  |
| "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  |
| "(2) name of inventor(s), serial number and filing date;   |
| "(3) name of inventor(s) and attorney docket number which was on the specification as filed;   |
| "(4) name of inventor(s), title which was on the specification as filed and filing date;   |
| "(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or   |
| "(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."  Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3.   |
| The second secon |
| (c) was described and claimed in PCI international Application No.   |
| amended under PCT Article 19 on (if any).  |
|  |

| OPEN                              |   |
|-----------------------------------|---|
| MAR 1 3 2002                      | NTAL DECLARATION (37 C.F.R. § 1.67(b))                  |
| SUPPLEME! (complete the following | ng where a supplemental declaration is being submitted, |
| ☐ I hereby declare                | e that the subject matter of the                        |

☐ amendment filed on \_

was part of my/our invention and was invented before the filing date of the original application, above-identified, for such invention.

### ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
  - in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

#### PRIORITY CLAIM (35 U.S.C. §§ 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) \( \text{\tind{\tintext{\tinite\text{\text{\text{\text{\text{\text{\text{\text{\text{\tinit}\text{\texi}\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\texid}}}\text{\text{\ti}}\tint{\text{\text{\text{\texi}\text{\text{\text{\text{\text{\texi}\text{\tex
- (e) usuch applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

(Declaration and Power of Attorney [1-1]—page 3 of 7)



# PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)–(d)

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUMBER | PRIORITY CLAIMED<br>UNDER 37 USC 119 |
|------------------------------|--------------------|--------------------------------------|
|                              |                    | ☐ YES NO ☐                           |

### CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| PROVISIONAL APPLICATION NUMBER | FILING DATE        |
|--------------------------------|--------------------|
| 60 / 235,841                   | September 27, 2000 |
| /                              |                    |
| /                              |                    |

### CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120

| The claim for the benefit of any such applications are set forth in the |
|---|
| attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF               |
| ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN                |
| PART (C-I-P) APPLICATION.   |

| our E       |  |   |
|-------------|--|---|
| DENER ALL F | OREIGN APPLICATION(S), <i>IF AN</i><br>(6 MONTHS FOR DESIGN) PRIO  | IY, FILED MORE THAN 12 MON<br>R TO THIS U.S. APPLICATION  |
| NOTE:       | If the application filed more than 12 months from<br>the basis for this application entering the Unite<br>divisional, or continuation-in-part, then also con<br>AND POWER OF ATTORNEY FOR DIVISIONAL | d States as (1) the national stage, or (2) a conti<br>nplete ADDED PAGES TO COMBINED DECLA<br>L, CONTINUATION OR C-I-P APPLICATION fo |
|             | of the prior U.S. or PCT application(s) under 3  |   |
| I here      | eby appoint the following practitioner(s   | ) to prosecute this application and trice connected therewith.  |
|             | (list name and reg   |   |
|             | Samuel M. Freund, regi   | stration no. 30,459   |
|             | (check the following   | item, if applicable)  |
| (           | I hereby appoint the practitioner(s) vided below to prosecute this apparent and Trademark Office control   | associated with the Customer Numb<br>plication and to transact all business<br>nected therewith.                                      |
| 1           | Attached, as part of this declaration  | n and power of attorney, is the autho ) to accept and follow instructions fr  |
| SEND (      | CORRESPONDENCE TO  | DIRECT TELEPHONE CALL (Name and telephone num   |
|             | Address  | Samuel M. Freund<br>(505) 667–9701  |
| 1820 0      | . M. Freund<br>Corona<br>Lamos, New Mexico 87544   |   |
|             |  |   |

| Customer Number |  |
|-----------------|--|
|                 |  |



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

- NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.
- NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).
- NOTE: Inventors may execute separate declarations/oaths provided <u>each</u> declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor, 62 Fed. Reg. 53.131, 53.142. October 10, 1997.

|                           | on of separate declarations/oaths which<br>? Fed. Reg. 53,131, 53,142, October 10, |                       |    |
|---------------------------|--|-----------------------|----|
| Full name of sole or firs | t inventor   |                       |    |
| Mark                      | W .  | <u>Bitensky</u>       |    |
| (GIVEN NAME)              | (MIDDLE INITIAL OF NAME)   | FAMILY (OR LAST NAME) |    |
| inventor's signature      | MURSTENSON   |                       |    |
| Date San 9 2              | OO2 Country of Citizenship   | <u>United States</u>  |    |
| Residence 99 Plain        | <u>field, Waban, Massach</u>   | usetts 02468          |    |
| Post Office Address Sa    |  |                       |    |
|                           | <del></del>  |                       |    |
|                           |  |                       |    |
|                           |  |                       |    |
| Full name of second joi   | nt inventor, if any  |                       |    |
| Tatsuro                   |  | <u>Yoshida</u>        |    |
| (GIVEN NAME)              | (MIDDLE INITIAL OR NAME)   | FAMILY (OR LAST NAME) |    |
| Inventor's signature      | fortens ?  |                       |    |
| Date /-9-02               | Country of Citizenship   |                       |    |
| Residence 1236 Com        | <u>monwealth Avenue, New</u>   | ton, Massachusetts    | 02 |
| Post Office Address S     | ame as residence   |                       |    |
|                           |  |                       |    |
|                           |  |                       | •  |
|                           |  |                       |    |
|                           |  |                       |    |
| Full name of third joint  | inventor, if any   |                       |    |
| Michael                   | <u>G.</u>  | <u>Frank</u>          |    |
| (GIVEN NAME)              | (MIDDLE INITIAL OR NAME)   | FAMILY (OR LAST NAME) |    |
| Inventor's signature      |  |                       |    |
|                           | Country of Citizenship   |                       |    |
| Residence 1721 Gil        | crest, East Lansing, M   | Michigan 48825        |    |
|                           |  |                       |    |

Poet Office Address.

MAR' 1 3 2002

#### DECLARATION

disciply declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

- NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.
- NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(s)(3).
- NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alls, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the execution inventor, 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

| ult name of sole or 41  | 12 Fed. Reg. 53,131, 53,142, October 10, 11 |                       |
|-------------------------|---|-----------------------|
| Gabel                   |   | Christopher           |
| IOVEN HAVE              | PROOFE BULLY OF WARD                        | PANELY (OR LAST NAME) |
| nventor's signature     |   |                       |
| Octo                    | Country of Citizenship                      | United States         |
| teridence 14 Sparh:     | awk, #1, Brighton, Mass                     | achusetts 02135       |
|                         | same as residence                           |                       |
|                         |   |                       |
| Full name of 5th j      | oint inventor, if any                       |                       |
| Jure                    |   | Derganc               |
| (GIVEN MAME)            | GHOOLE INSTAL OR NAME)                      | FAMILY (OR LAST NAME) |
| inventor's signature    |   |                       |
| Date                    | Country of Citizenship                      | Slovenia              |
| Residence 9 Magaz       | ine Street, Cambridge.                      | Massachusetts 0213    |
| Post Office Address     | same as residence                           |                       |
|                         |   |                       |
|                         |   |                       |
| Pull name of third join | t inventor, If any                          |                       |
| (OWEN MAME)             | MIDDLE MITTAL OR NAME                       | FAMILY (OR LAST HAME) |
| inventor's signature    |   |                       |
|                         | Country of Citizenship                      |                       |
| Residence               |   |                       |



(check proper box(es) for any of the following added page(s) that form a part of this declaration)

| $\boxtimes$ | <b>Signature</b> for fourth and subsequent joint inventors. <i>Number of pages added</i> one (1).   |
|-------------|---|
|             | * * *   |
|             | <b>Signature</b> by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. <i>Number of pages added</i>          |
|             | * * *   |
|             | Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added                                 |
|             | * * *   |
|             | Added page for <b>signature</b> by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47) |
|             | * * *   |
|             | continuation, or continuation-in-part (C-I-P) application.  |
|             | □ Number of pages added   |
|             | * * *   |
|             | Authorization of practitioner(s) to accept and follow instructions from representative.   |
|             | * * *   |
| ı           | (if no further pages form a part of this Declaration, then end this Declaration with this page and check the following item)                                  |
|             | ☐ This declaration ends with this page.   |
|             |   |



#### COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

#### TYPE OF DECLARATION

| This | declaration | is | ot | the | following | type: |  |
|------|-------------|----|----|-----|-----------|-------|--|
|      |             |    |    |     |           |       |  |

| (cneck one applicable item below)  |
|--|
| 🛛 original.  |
| ☐ design.  |
| ☐ supplemental.  |
| NOTE: If the declaration is for an International Application being filed as a divisional, continuation of continuation-in-part application, do <u>not</u> check next item; check appropriate one of last three items.  |
| national stage of PCT.   |
| NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL CONTINUATION OR C-I-P.   |
| NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.  |
| ☐ divisional.  |
| ☐ continuation.  |
| NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or continuation or divisional application names an inventor not named in the prior application, continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirement—nonprovisional application). |
| continuation-in-part (C-I-P).  |
|  |

#### INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

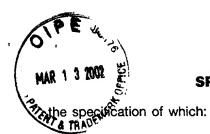
My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

#### TITLE OF INVENTION

| CFILULAR DIAGNOSTIC | ARRAYS, | METHODS | OF | USING | AND | PROCESSES |
|---------------------|---------|---------|----|-------|-----|-----------|
| FOR                 | PRODUCI | NG SAME |    |       |     |           |

(Declaration and Power of Attorney [1-1]-page 1 of 7)

A CONTRACTOR OF THE



#### SPECIFICATION IDENTIFICATION

(complete (a), (b), or (c))

| /b) (X) | Notice of July 13, 1995 (1177 O.G. 60).  was filed on September 27, 2001, as [X] Serial No. 09/965,644  |
|---------|---|
| (b) 🛚   | or 🗆  |
|         | and was amended on (if applicable).  Improvements filed after the original papers are deposited with the PTO that contain new matter are  |
| а       | ot accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved<br>re those filed with the application papers or, in the case of a supplemental declaration, are those<br>mendments claiming matter not encompassed in the original statement of invention or claims. See   |
| NOTE: " | 7 CFR 1.67.<br>The following combinations of information supplied in an oath or declaration filed after the filing date   |
| NOTE: " | 77 CFR 1.67.  The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  |
| NOTE: " | 77 CFR 1.67. The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items   |
| NOTE: " | 7 CFR 1.67. The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  "(1) name of inventor(s), and application number (consisting of the series code and the serial  |
| NOTE: " | The following combinations of information supplied in an oath or declaration filed after the filing date acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  "(2) name of inventor(s), serial number and filing date; "(3) name of inventor(s) and attorney docket number which was on the specification as filed;  |
| NOTE: " | The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  "(2) name of inventor(s), serial number and filing date;  "(3) name of inventor(s) and attorney docket number which was on the specification as filed;  "(4) name of inventor(s), title which was on the specification as filed and filing date;   |
| NOTE: " | The following combinations of information supplied in an oath or declaration filed after the filing date acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  "(2) name of inventor(s), serial number and filing date; "(3) name of inventor(s) and attorney docket number which was on the specification as filed;  |
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| NOTE: " | The following combinations of information supplied in an oath or declaration filed after the filing date acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  "(2) name of inventor(s), serial number and filing date;  "(3) name of inventor(s) and attorney docket number which was on the specification as filed;  "(4) name of inventor(s), title which was on the specification as filed and filing date;  "(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or  "(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."  Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3. |
| NOTE: " | The following combinations of information supplied in an oath or declaration filed after the filing date acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  "(2) name of inventor(s), serial number and filing date;  "(3) name of inventor(s) and attorney docket number which was on the specification as filed;  "(4) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or  "(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."  Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3.   |



| <b>(</b>               | SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))   |
|------------------------|--|
| (con                   | nplete the following where a supplemental declaration is being submitted)  |
| AR <sup>ot</sup>       | I hereby declare that the subject matter of the  |
| _                      | attached amendment   |
|                        | amendment filed on   |
| was part<br>applicatio | of my/our invention and was invented before the filing date of the original n, above-identified, for such invention.   |
| ACKN                   | OWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR   |
| I hereby               | y state that I have reviewed and understand the contents of the above-identified ion, including the claims, as amended by any amendment referred to above.   |
| i ackno                | owledge the duty to disclose information, which is material to patentability as a 37, Code of Federal Regulations, § 1.56,   |
|                        | (also check the following items, if desired)   |
| ×                      | and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and  |
|                        | in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.   |
|                        | PRIORITY CLAIM (35 U.S.C. §§ 119(a)-(d))   |
|                        | "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(i). If the certified copy is not in the English language, a translation need not be filed except |

in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

| (d) |      | no such applications have been filed.  |
|-----|------|--|
| (e) |      | such applications have been filed as follows.  |
| NOT | E: 1 | Where item (c) is entered above and the international Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim. |
|     |      | (Declaration and Power of Attorney [1-1]—page 3 of 7)  |



# PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)–(d)

| APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED<br>UNDER 37 USC 119 |
|--------------------|-----------------------------------|--------------------------------------|
|                    |                                   | ☐ YES NO ☐                           |
|                    |                                   | TYES NO [                            |
|                    |                                   | ☐ YES NO ☐                           |
|                    |                                   | ☐ YES NO ☐                           |
|                    |                                   | ☐ YES NO ☐                           |
|                    | APPLICATION NUMBER                |                                      |

### CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| PROVISIONAL APPLICATION NUMBER | FILING DATE        |
|--------------------------------|--------------------|
| 60 / 235,841                   | September 27, 2000 |
| /                              |                    |
| /                              | ·                  |

### CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120

☐ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN PART (C-I-P) APPLICATION.



| ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTH | S |
|--|---|
| (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION         |   |

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

#### **POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

Samuel M. Freund, registration no. 30,459

(check the following item, if applicable)

|       | vided below to prosecute this a<br>Patent and Trademark Office co                     |  |
|-------|---|--|
|       | Attached, as part of this declarat of the above-named practitioner representative(s). | ion and power of attorney, is the authorization<br>(s) to accept and follow instructions from my |
| ND CO | RRESPONDENCE TO   | DIRECT TELEPHONE CALLS TO: (Name and telephone number)   |

SE

Samuel M. Freund (505) 667-9701

Address

Samuel M. Freund 1820 Corona Los Alamos, New Mexico 87544

|  | Customer Nu | ımber |  |
|--|-------------|-------|--|
|--|-------------|-------|--|



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

- NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.
- NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).
- NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the

|   | inventor  |                                       |            |
|---|---|---------------------------------------|------------|
| Mark  | W   | Bitensky                              |            |
| (GIVEN NAME)  | (MIDDLE INITIAL OR NAME)                                | FAMILY (OR LAST NAME)                 |            |
| Inventor's signature  |   |                                       |            |
| Date  | Country of Citizenship                                  | <u>United States</u>                  |            |
| Residence 99 Plainf   | ield, Waban, Massach                                    | usetts 02468                          |            |
| Post Office Address Sam   | ne as residence   |                                       |            |
|   | •   |                                       |            |
| Full name of second join  | nt inventor, if any                                     |                                       |            |
| <u> Tatsuro</u>   |   | <u>Yoshida</u>                        | -          |
| (GIVEN NAME)  | (MIDDLE INITIAL OR NAME)                                | FAMILY (OR LAST NAME)                 |            |
| inventor's signature  |   |                                       |            |
|   |   |                                       |            |
| Date  | Country of Citizenship                                  | Japan                                 |            |
|   | Country of Citizenship                                  |                                       | 02465      |
|   | nonwealth Avenue. New                                   |                                       | 02465      |
| Residence 1236 Comm   | nonwealth Avenue. New                                   |                                       | 02465      |
| Residence 1236 Comm   | nonwealth Avenue. New                                   |                                       | 02465      |
| Residence 1236 Comm   | nonwealth Avenue. New                                   |                                       | 02465      |
| Residence 1236 Comm<br>Post Office Address Sa   | nonwealth Avenue. New<br>ame as residence               |                                       | 02465<br>- |
| Post Office Address Sa  | nonwealth Avenue. New<br>ame as residence               | ton, Massachusetts                    | 02465      |
| Residence 1236 Comm<br>Post Office Address Sa   | nonwealth Avenue. New<br>ame as residence               |                                       | 02465      |
| Post Office Address Sa  Full name of third joint is Michael (GIVEN NAME)                                  | nonwealth Avenue. New ame as residence inventor, if any | ton. Massachusetts Frank              | 02465      |
| Post Office Address Sa  Full name of third joint i  | inventor, if any  G.  (MIDDLE INITIAL OR NAME)          | Frank FAMILY (OR LAST NAME) 1/15/2002 | 02465      |
| Post Office Address Sa  Full name of third joint is Michael (GIVEN NAME) inventor's signature Date 1/15/3 | nonwealth Avenue. New ame as residence inventor, if any | Frank FAMILY (OR LAST NAME) 1/15/2002 | 02465      |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

MAR 1 3 2002 FOTE:

R: RIPTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

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|   |                         | Gabel                            |
|---|-------------------------|----------------------------------|
| Christopher   | AMODLE INTEAL OR NAME   | MANNEY (OR LAST NAME)            |
|   |                         |                                  |
| •   | Country of Citizenship  | United States                    |
|   | awk, #1. Brighton. Mass |                                  |
| oet Office Address  | same as residence       |                                  |
|   |                         |                                  |
| Full name of 5th jo   |                         |                                  |
| Jure  | EMBOLE INITIAL OR NAME) | Derganc<br>FAMILY FOR LAST MANEE |
| inventor's slanskus   | (                       |                                  |
|   | Country of Citizenship  | Slovenia                         |
|   | ine Street, Cambridge.  |                                  |
| Residence 9 Magaz   |                         |                                  |
|   |                         |                                  |
|   | same as residence       |                                  |
|   |                         |                                  |
|   | same as residence       |                                  |
| Post Office Address   | same as residence       | PARKLY (OR LAST INVAN)           |
| Full name of third join   | t inventor, If any      | PARKLY (ON LAST HUMB)            |
| Full name of third join   | t inventor, If any      | PARKLY (ON LAST HUMB)            |
| Full name of third join  town runs  triventor's eignature  Date | A Inventor, If any      | PARKLY (OR LAST NUM)             |



## (check proper box(es) for any of the following added page(s) that form a part of this declaration)

| Signature for fourth and subsequent joint inventors. Number of pages added one (1).   |
|---|
| * * *   |
| Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added                        |
| * * *   |
| Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added                                 |
| * * *   |
| Added page for <b>signature</b> by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47) |
| * * *   |
| Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.                          |
| □ Number of pages added   |
| * * *   |
| Authorization of practitioner(s) to accept and follow instructions from representative.   |
| * * *   |
|   |
| (if no further pages form a part of this Declaration, then end this Declaration with this page and check the following item)                                  |
| ☐ This declaration ends with this page.   |
|   |

(Declaration and Power of Attorney [1-1]-page 7 of 7)



PATENT

### COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

#### TYPE OF DECLARATION

| This declaration is of the following type:  |
|---|
| (check one applicable item below)   |
| ⊠ original.   |
| design.   |
| ☐ supplemental.   |
| NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do <u>not</u> check next item; check appropriate one of last three items.   |
| ☐ national stage of PCT.  |
| NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.   |
| NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.   |
| divisional.   |
| ☐ continuation.   |
| NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements — nonprovisional application). |
| continuation-in-part (C-I-P).   |
| INVENTORSHIP IDENTIFICATION   |

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

#### TITLE OF INVENTION

| CFLLULAR DIAGNOST | IC | ARRAYS, | ME | THODS | OF | USING | AND | PRUCESSES |
|-------------------|----|---------|----|-------|----|-------|-----|-----------|
|                   |    | PRODUCI |    |       |    |       | _   | 1         |
|                   |    |         |    |       |    |       |     |           |



#### SPECIFICATION IDENTIFICATION

| - Inn  |
|--|
| (complete (a), (b), or (c))  |
| (a) is attached hereto.  |
| NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  |
| "(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;  |
| "(2) name of inventor(s), and attorney docket number which was on the specification as filed; or   |
| "(3) name of inventor(s), and title which was on the specification as filed."  |
| Notice of July 13, 1995 (1177 O.G. 60).  |
| (b) ☒ was filed on September 27, 2001, as ☒ Serial No. 09/965,644 or ☐   |
| and was amended on (if applicable).  |
| NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.  |
| NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  |
| "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  |
| "(2) name of inventor(s), serial number and filing date;   |
| "(3) name of inventor(s) and attorney docket number which was on the specification as filed;   |
| "(4) name of inventor(s), title which was on the specification as filed and filing date;   |
| "(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or   |
| "(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration." |
| Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3.   |
|  |
| (c) was described and claimed in PCT International Application No.   |
| (c) was described and claimed in PCT International Application No.  and as amended under PCT Article 19 on (if any).   |

| OIPE CITA     | ١   |
|---------------|-----|
| MAR 1 3 2002  |     |
| PRATA TRADEMA | (cc |

#### SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))

| EHIE | (con | nplet | the following where a supplemental declaration is being submitted)   |
|------|------|-------|--|
|      |      | l he  | reby declare that the subject matter of the  |
|      |      |       | attached amendment .   |
|      |      |       | amendment filed on   |
|      |      |       | ny/our invention and was invented before the filing date of the original ove-identified, for such invention. |

#### **ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
  - in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

#### **PRIORITY CLAIM (35 U.S.C. §§ 119(a)-(d))**

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)–(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- no such applications have been filed.
- (e) such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

(Declaration and Power of Attorney [1-1]-page 3 of 7)



# PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)–(d)

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUMBER                | DATE OF FILING<br>(day, month, year) | PRIORITY<br>UNDER 37 |         |
|------------------------------|-----------------------------------|--------------------------------------|----------------------|---------|
|                              |                                   |                                      | ☐ YES                | NO 🗆    |
|                              |                                   |                                      | ☐ YES                | NO 🗆    |
|                              |                                   |                                      | ☐ YES                | NO 🗆    |
|                              |                                   |                                      | ☐ YES                | NO 🗆    |
|                              |                                   |                                      | ☐ YES                | NO 🗆    |
| CLAIM FOR                    | BENEFIT OF PRIOR U.<br>(34 U.S.C. |                                      | APPLICAT             | rion(s) |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| PROVISIONAL APPLICATION NUMBER | FILING DATE        |
|--------------------------------|--------------------|
| 60 / 235,841                   | September 27, 2000 |
|                                |                    |
|                                |                    |

### CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120

| The claim for the benefit of any such applications are set forth in the |
|---|
| attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF               |
| ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN                |
| PART (C-1-P) APPLICATION.   |

(Declaration and Power of Attorney [1-1]-page 4 of 7)

## ALL FOREIGN APPLICATION(S), *IF ANY*, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION



NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

#### **POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

Samuel M. Freund, registration no. 30,459

(check the following item, if applicable)

|         |                  | er(s) associated with the Customer Number pro-<br>application and to transact all business in the<br>connected therewith. |
|---------|------------------|---|
|         |                  | ration and power of attorney, is the authorization ner(s) to accept and follow instructions from my                       |
| SEND CO | PRRESPONDENCE TO | DIRECT TELEPHONE CALLS TO: (Name and telephone number)  |

Address

Samuel M. Freund (505) 667-9701

Samuel M. Freund 1820 Corona Los Alamos, New Mexico 87544



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

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- NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and

Post Office Address same as residence

| all name of sole or firs   | st inventor   |                                  |
|--|---|----------------------------------|
| Mark   | W.<br>(MIDDLE INITIAL OR NAME)  | Bitensky                         |
|  |   | FAMILY (OR LAST NAME)            |
|  |   |                                  |
| ate  | Country of Citizenship  | <u>United States</u>             |
| esidence <u>99 Plain</u>   | field, Waban, Massachu  | ısetts 02468                     |
| ost Office Address <u>Sa</u>   | me as residence   |                                  |
|  | ·   |                                  |
|  |   |                                  |
|  |   |                                  |
| bill name of second is   | int inventor if any   |                                  |
| full name of second join   | nn nivernor, a any  |                                  |
| Totouro  | · -   | Voohido                          |
| Tatsuro<br>(GIVEN NAME)  | · -   | Yoshida<br>FAMILY (OR LAST NAME) |
| (GIVEN NAME)   | (MIDDLE INITIAL OR NAME)  | FAMILY (OR LAST NAME)            |
| (GIVEN NAME)  nventor's signature  | (MIDDLE INITIAL OR NAME)  | FAMILY (OR LAST NAME)            |
| (GIVEN NAME)  nventor's signature  Date  | (MIDDLE INITIAL OR NAME)  Country of Citizenship  | Japan                            |
| (GIVEN NAME)  nventor's signature  Date  Residence1236 Com   | Country of Citizenship  | Japan on, Massachusetts          |
| (GIVEN NAME)  nventor's signature  Date  Residence1236 Com   | (MIDDLE INITIAL OR NAME)  Country of Citizenship  | Japan on, Massachusetts          |
| (GIVEN NAME)  nventor's signature  Date  Residence1236 Com   | Country of Citizenship  | Japan on, Massachusetts          |
| (GIVEN NAME)  nventor's signature  Date  Residence1236 Com   | Country of Citizenship  | Japan on, Massachusetts          |
| (GIVEN NAME)  nventor's signature  Date  Residence1236 Com   | Country of Citizenship  | Japan on, Massachusetts          |
| (GIVEN NAME)  nventor's signature  Date  Residence1236 Com   | Country of Citizenship monwealth Avenue. Newt   | Japan on, Massachusetts          |
| round name)  nventor's signature  Pate  Residence1236  | Country of Citizenship monwealth Avenue. Newt   | Japan on, Massachusetts          |
| GIVEN NAME)  nventor's signature  Date  Residence 1236 Com  Post Office Address _S  Full name of third joint  Michael  GIVEN NAME) | Country of Citizenship monwealth Avenue. Newt ame as residence  inventor, if any  G. (MIDDLE INITIAL OR NAME) | Japan Son, Massachusetts         |
| GIVEN NAME)  nventor's signature  Date  Residence 1236 Com  Post Office Address _S  Full name of third joint  Michael  GIVEN NAME) | Country of Citizenship monwealth Avenue. Newt   | Japan on, Massachusetts          |

5

if hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Gode, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



#### SIGNATURE(S)

| OTE: | Carefully indicate the family (or last) name, | as it should appear on the filing receipt and all other |
|------|---|---|
|      | documents.                                    |   |

NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(s)(3).

NOTE: Inventors may execute separate declarations/cethe provided each declaration/ceth sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/ceth, inter alia, identify each inventor and prohibits the execution of separate declarations/cethe which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

| Rusidence                                   |  |                       |                     |
|---|--|-----------------------|---------------------|
| •   |  | <b></b>               |                     |
| nventor's signature                         | Authors sales (as again)                   |                       |                     |
| rull name of third joint                    | Inventor, If any                           | FAMILY DR LAST HAW    |                     |
|   |  |                       |                     |
| oet Office Address _S                       | ame as residence                           |                       |                     |
| eeldence 9 Magazi                           | ne Street. Cambridge.                      | Massachusetts         | 02139               |
| ete   | Country of Citizenship                     |                       |                     |
| reviev avuit)<br>ventor'e elgnature         | AMBOLE MITTAL OR MAMES                     | FAMILY (OR LAST MANE) |                     |
| Jure  |  | Derganc               |                     |
| diname of 5th joi                           | nt Inventor If any                         |                       |                     |
| 18 Spencer ave #                            | z Samerville MA 02144                      |                       | 1/17                |
|   | •  |                       | —<br>— <sub>—</sub> |
| · · · · · · · · · · · · · · · · · · ·       | vk, #1. Brighton, Mass<br>ame as residence |                       | <del></del>         |
|   | Country of Citizenship.                    |                       |                     |
| entor's signature                           | Children Jeabel                            |                       |                     |
| (OVEN MANE)                                 | MODLE BUTTAL OF MARIE                      | PARILY (OR LAST NAME) |                     |
| <b>I name of sole or</b> 4th<br>Christopher | V  | Gabel                 | 1/17/01             |



### (check proper box(es) for any of the following added page(s) that form a part of this declaration)

Signature for fourth and subsequent joint inventors. Number of pages added one (1).

\* \* \*

Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_\_\_.

(if no further pages form a part of this Declaration, then end this Declaration with this page and check the following item)

☐ This declaration ends with this page.



#### COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL. CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

#### TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

| $\Sigma$ |    | original.  |
|----------|----|--|
|          | ]  | design.  |
|          | ]  | supplemental.  |
| NOTE:    |    | the declaration is for an International Application being filed as a divisional, continuation or<br>ntinuation-in-part application, do <u>not</u> check next item; check appropriate one of last three items.  |
| Ε        | ]  | national stage of PCT.   |
| NOTE:    |    | one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL,<br>ONTINUATION OR C-I-P.   |
| NOTE:    | de | se 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application<br>claration in the continuation or divisional application being filed on behalf of the same or fewer of<br>e inventors named in the prior application.   |
|          | ]  | divisional.  |
|          |    | continuation.  |
| NOTE:    | CC | here an application discloses and claims subject matter not disclosed in the prior application, or a<br>ontinuation or divisional application names an inventor not named in the prior application, a<br>ontinuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements<br>ononprovisional application). |
|          |    | continuation-in-part (C-I-P).  |

#### INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

#### TITLE OF INVENTION

| CELLULAR | DIAGNOSTIC | ARRAYS, | METHODS | OF | USING | AND | PROCESSE: | S |
|----------|------------|---------|---------|----|-------|-----|-----------|---|
|          | FOR        | PRODUCI | NG SAME |    |       |     |           |   |



#### SPECIFICATION IDENTIFICATION

(complete (a), (b), or (c))

| (Complete (a), (b), or (c))  |
|--|
| (a) is attached hereto.  |
| NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  |
| "(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;  |
| "(2) name of inventor(s), and attorney docket number which was on the specification as filed; or   |
| "(3) name of inventor(s), and title which was on the specification as filed."  |
| Notice of July 13, 1995 (1177 O.G. 60).  |
| (b) ⊠ was filed on <u>September 27, 2001</u> , as ⊠ <u>Serial No. 09/965,644</u> or □  |
| and was amended on (if applicable).  |
| NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.  |
| NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:  |
| "(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);  |
| "(2) name of inventor(s), serial number and filing date;   |
| "(3) name of inventor(s) and attorney docket number which was on the specification as filed;   |
| "(4) name of inventor(s), title which was on the specification as filed and filing date;   |
| "(5) name of inventor(s), title which was on the specification as filed and reference to an<br>attached specification which is both attached to the oath or declaration at the time of execution<br>and submitted with the oath or declaration; or   |
| "(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration." |
| Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3.   |
| (c) was described and claimed in PCT International Application No.   |
| amended under PCT Article 19 on (if any).  |
|  |

| OLD E ACITY  |   |
|--------------|---|
| MAR 1 3 2002 | SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))  |
| TRADESE      | inplete the following where a supplemental declaration is being submitted)  I hereby declare that the subject matter of the |
|              | i hereby declare that the subject matter of the   |
|              | ☐ attached amendment  |
|              | amendment filed on  |
| •            | of my/our invention and was invented before the filing date of the original in, above-identified, for such invention.       |

#### **ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
  - in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

#### **PRIORITY CLAIM** (35 U.S.C. §§ 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)–(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

| (d) 🛛 | no such | applications | have | been | filed. |
|-------|---------|--------------|------|------|--------|
|-------|---------|--------------|------|------|--------|

(e) usuch applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

(Declaration and Power of Attorney [1-1]-page 3 of 7)



## PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)–(d)

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 37 USC 119 |
|------------------------------|--------------------|--------------------------------------|--------------------------------------|
|                              |                    |                                      | ☐ YES NO ☐                           |
|                              |                    |                                      | ☐ YES NO ☐                           |
|                              |                    |                                      | ☐ YES NO ☐                           |
|                              |                    |                                      | ☐ YES NO ☐                           |
|                              |                    |                                      | ☐ YES NO ☐                           |

### CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| PROVISIONAL APPLICATION NUMBER | FILING DATE        |
|--------------------------------|--------------------|
| 60 / 235,841                   | September 27, 2000 |
| /                              |                    |
| /                              |                    |

### CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120

| The claim for the benefit of any such applications are set forth in the |
|---|
| attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF               |
| ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN                |
| PART (C-I-P) APPLICATION.   |

| 3 2002 }  |  |
|---|--|
| FACEL FOREIGN APPLICATION(S), IF (6 MONTHS FOR DESIGN) PRI  | ANY, FILED MORE THAN 12 MON<br>OR TO THIS U.S. APPLICATION   |
|   |  |
|   |  |
| divisional, or continuation-in-part, then also  | nited States as (1) the national stage, or (2) a conti<br>complete ADDED PAGES TO COMBINED DECLA<br>NAL, CONTINUATION OR C-I-P APPLICATION for |
| POWER OI  | FATTORNEY  |
| I hereby appoint the following practitione all business in the Patent and Trademark C                                     | er(s) to prosecute this application and transfer connected therewith.  |
| (list name and n  | egistration number)  |
| Samuel M. Freund, re  | gistration no. 30,459  |
| (check the following  | ng item, if applicable)  |
| <ul> <li>I hereby appoint the practitioner vided below to prosecute this a Patent and Trademark Office control</li> </ul> | r(s) associated with the Customer Number application and to transact all business onnected therewith.  |
| Attached, as part of this declara<br>of the above-named practitione<br>representative(s).                                 | tion and power of attorney, is the author<br>r(s) to accept and follow instructions fro  |
| SEND CORRESPONDENCE TO  | DIRECT TELEPHONE CALLS (Name and telephone numb  |
| Address   | Samuel M. Freund<br>(505) 667-9701   |
|   |  |

declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

- NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.
- NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).
- NOTE: Inventors may execute separate declarations/oaths provided <u>each</u> declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997,

| Full name of sole or first inventor |                              |  |      |  |
|-------------------------------------|------------------------------|--|------|--|
| Mark<br>(GIVEN NAME)                | (MIDDLE INITIAL OR NAME)     | <u>Bitensky</u><br>FAMILY (OR LAST NAME) | -    |  |
| •                                   | •                            |  |      |  |
| _                                   |                              |  |      |  |
|                                     | Country of Citizenship       |  |      |  |
| Residence <u>99 Plain</u> t         | <u>field, Waban, Massach</u> | usetts 02468                             |      |  |
| Post Office Address Sar             | ne as residence              |  |      |  |
|                                     |                              |  | _    |  |
|                                     |                              |  | -    |  |
|                                     |                              |  |      |  |
|                                     |                              |  |      |  |
| Full name of second joir            | nt inventor, if any          |  |      |  |
| Tatsuro                             | (MIDDLE INITIAL OR NAME)     | Yoshida                                  | -    |  |
|                                     |                              | FAMILY (OR LAST NAME)                    |      |  |
| Inventor's signature                |                              |  |      |  |
| Date                                | Country of Citizenship       |  |      |  |
| Residence 1236 Com                  | monwealth Avenue. Newt       | ton. Massachusetts                       | 0246 |  |
| Boet Office Address Si              | ame as residence             |  |      |  |
| Fost Office Address                 |                              |  |      |  |
|                                     |                              |  | -    |  |
|                                     |                              |  |      |  |
|                                     |                              |  |      |  |
| Full name of third joint            | inventor, if any             |  |      |  |
| •                                   | _                            | Frank                                    |      |  |
| (GIVEN NAME)                        | G. (MIDDLE INITIAL OR NAME)  | FAMILY (OR LAST NAME)                    | -    |  |
| Inventor's signature                |                              |  | •    |  |
|                                     | Country of Citizenship       | United States                            |      |  |
|                                     | crest, East Lansing, N       |  |      |  |
|                                     | ame as residence             |  | •    |  |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wiltful false statements may Jeopardize the validity of the application or any patent issued thereon.

MAR 1 3 2002 PE

#### SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).

NOTE: Inventors may execute separate declarations/cathe provided each declaration/cath sets forth all the Inventors. Section 1.63(a)(3) requires that a declaration/cath, inter alls, identify each inventor and prohibits the execution of separate declarations/cathe which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 63,142, October 10, 1997,

### **Full name of sole or 4th inventor** Gabel Christopher (DAVEN NAME) PANILY (OR LAST NAME) REPORTE DETEAL OR MANES inventor's signature \_ \_ Country of Citizenship United States Residence 14 Sparhawk, #1, Brighton, Massachusetts 02135 Poet Office Address \_ same as residence Full name of 5th joint inventor, if any Jure Derganc MIDDLE MITTAL OR MANEY FAMILY (OR LAST NAME) Dergane Date 01/16/2002 Country of Citizenship Slavenia Residence 9 Magazine Street, Cambridge, Massachusetts Post Office Address same as residence Full name of third joint inventor. If any PARTY MARCH PRODUE HETEAL OR MANEE FAMILY FOR LAST MAKES Inventor's signature .... \_\_\_\_ Country of Citizenship \_\_\_ Residence ... Poet Office Address ...



## (check proper box(es) for any of the following added page(s) that form a part of this declaration)

| $\boxtimes$   | Signature for fourth and subsequent joint inventors. Number of pages added one (1).   |  |
|---|---|--|
|   | * * *   |  |
|   | Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added                        |  |
|   | * * *   |  |
|   | Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added                                 |  |
|   | * * *   |  |
|   | Added page for <b>signature</b> by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47) |  |
|   | * * *   |  |
|   | Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.                          |  |
|   | □ Number of pages added   |  |
|   | * * *   |  |
|   | Authorization of practitioner(s) to accept and follow instructions from representative.   |  |
|   | * * *   |  |
| (if no further pages form a part of this Declaration,<br>then end this Declaration with this page and check the following item) |   |  |
|   | ☐ This declaration ends with this page.   |  |

(Declaration and Power of Attorney [1-1]—page 7 of 7)